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29 MAR 2006

In re Application of
ROBINSON, MICHAEL A., et al
Application No. 09/818,433
Filed: March 26, 2001
For: **FIBER OPTIC RECEIVER WITH
AN ADJUSTABLE BANDWIDTH POST-
AMPLIFIER**

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the petition filed March 1, 2006 to accept an Information Disclosure Statement (IDS) as originally filed on March 26, 2001 pursuant to 37 C.F.R. § 1.10(e). No fee is required.

The petition is **GRANTED**.

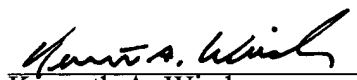
Petitioner requests that a copy of an IDS filed with the petition be treated as timely filed

Petitioner asserts that an IDS was timely filed on March 26, 2001. In support of the petition, Petitioner has submitted, a copy of the IDS and a date-stamped post card receipt evidencing receipt of the IDS within the United States Patent & Trademark Office on March 26, 2001.

The original IDS filed was not matched with the application file and cannot be located. However, M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the U.S.PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the response was timely filed in the Patent and Trademark Office but not matched with the application file. The fees submitted with the original response have been received and credited to the instant application.

In view of the above stated reasons, the IDS filed with the petition is considered as being timely filed on March 26, 2001.

The application file will be forwarded to the Examiner for treatment of the IDS filed with the petition on March 1, 2006.


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